UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,305	12/21/2000	Peter Tavernese JR.	NTL-3.2.149/3550 (12767HU	2060

7590 11/01/2007	EXAMINER
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo P.C. 666 Third Avenue 24th Floor New York, NY 10017	NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/745,305	TAVERNESE, PETER
	Examiner	Art Unit
	Quynh H. Nguyen	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _Appeal Brief filed 5/14/07_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-29_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1 and 3-29_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   In view of the Appeal Brief filed on 5/14/07, PROSECUTION IS HEREBY REOPENED. Non Final Office action set forth below.

     To avoid abandonment of the application, appellant must exercise one of the following two options:

     (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

     (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

     A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

3.   Applicant's Appeal Brief filed 5/14/07 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1 and

3-29 are still pending in this application, with claims 1, 16, 27, and 28 being

independent.

Claim Rejections - 35 USC § 103

4.   Claims 1 and 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goss (U.S. Patent 6,687,241) in view of Dezonno (U.S. Patent 5,526,417).

Regarding claim 1, Goss teaches a customer service response system (CSRS)

(Fig. 1, *call center 10*) capable of responding to an incoming call from a calling party by

playing a message to the calling party (col. 7, lines 21-31 - *where Goss discussed*

contact server 100 routes all calls to an IVR to collect information from the caller, hence

playing a message to the calling party to greet the calling party and request for

information); a graphical user interface (Fig. 1, *workstation* 14) electrically coupled to

the CSRS and configured to receive and display information from the CSRS originates

from the calling party (col. 9, lines 1-13).

Goss do not specifically teach via a soft-key or graphical button of the GUI is

configured to selectively initiate another message being sent from the CSRS to the

calling party.

Dezonno teaches via a soft-key 41 or graphical button of the GUI is configured to

selectively initiate another message ("postconversation voice messages") being sent

from the CSRS to the calling party (col. 8, lines 2-6; col. 7, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Dezonno into the teachings of Goss

for the purpose of reducing the conversation handling time of the agent or operator so

that the agent is available to take subsequent incoming calls which are waiting in queue

for the agent service, which also reduces the holding time a customer waiting for an

agent since the agent does not need to repeat farewell messages, as discussed by

Dezonno (col. 7, lines 37-46). This also maintains agent's professionalism and

energetic voice throughout the day, especially towards the end of the day when agents

are tired.

Regarding claims 3-4 and 17-19, Dezonno teaches the GUI displays messages

from the CSRS to the calling party and at least one of a plurality of messages is

customizable (col. 7, lines 4-10 and lines 33-37).

Regarding claims 5 and 6, Goss and Dezonno do not explicitly teach the CSRS

includes a voice recognition program that is capable of converting voice signals in text

messages and text messages into voice signal. However, Goss teaches an VRU that

runs IVR applications has a voice link to enable direct connection to the call center and

forward data to contact server (col. 4, lines 47-55; col. 7, lines 22-31), hence it would

have been obvious that the VRU has capability of converting voice to text; and for

customers who contact the call center via Web Server over the Internet (col. 7, line 62

through col. 8, line 7) and the VRU response back, hence it has capability of converting

text to voice. Furthermore, Examiner takes Official Notice that text to speech and

speech to text conversions are very old and well known with known advantages.

Regarding claims 7 and 22, Goss does not teach the GUI provides an option for

bypassing the CSRS. It would have been obvious to one of ordinary skill in the art to

give customers/callers the option to bypass the CSRS to a regular telephone in case the

caller does not wish to communicate with the agent via an interactive graphical display

device. Or if the caller is familiar with the call center and the options provided, the caller

may elect to bypass the CSRS.

Regarding claim 8, Goss teaches the CSRS is an adjunct to a telephone (Fig. 1).

Regarding claims 9 and 23, Dezonno teaches the CSRS is capable of

responding and playing a message to a plurality of incoming calls from calling parties

(col. 7, lines 4-10 and lines 33-37).

Regarding claims 10-13, 20, 21, and 24, Goss teaches the CSRS is configured to

receive voice, text, and multimedia messages (col. 4, lines 10-67; col. 7, lines 4-20 and

51-67).

Regarding claims 14 and 25, Goss and Dezonno do not teach the CSRS is

capable of accessing a remote computer system. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the above

mentioned feature into the teachings of Goss and Dezonno in order to have a more

efficient and flexible system.

Regarding claims 15 and 26, Goss teaches the CSRS is capable of forwarding

the incoming call to another telephone number in response to receipt of the information

from the calling party (col. 5, lines 11-35). It would have been obvious that after

receiving the calling party's information, an agent may realize that he or she should

transfer the calling party to another agent with specific skills who could be better serve

the customer, then this agent transfers the calling party to the skilled agent. This

feature is notoriously well known in the art of ACDs and the advantage of using it is also well known.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Claim 27 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Goss teaches the call system response means for receiving information from a plurality of telephone calls (col. 7, lines 22-31).

Claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

Regarding claim 29, Dezonno teaches the GUI means configured to display a plurality of messages, each selectable by a graphical button or a soft-key sent from the CSR to the calling party (col. 8, lines 2-6).

Response to Arguments

4.   Applicant's arguments with respect to claims 1, and 3-29 have been considered but are moot in view of the new ground(s) of rejection.
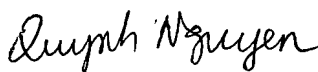

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for

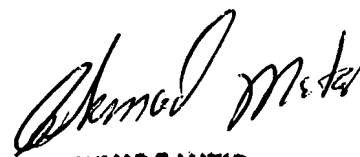the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh Nguyen

QUYNH H. NGUYEN
PRIMARY EXAMINER

October 29, 2007

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